Montana Fish, Wildlife & Parks

Region 2
3201 Spurgin Road
Missoula, MT 59804
July 21, 2017

Dear Interested Citizens:

Thank you for your thoughtful reviews, comments and suggestions on a proposal by Montana Fish, Wildlife and Parks (FWP) to remove non-native and hybridized cutthroat trout upstream of Overwhich Falls, to prevent genetic contamination of pure westslope cutthroat trout (a native species) in the West Fork Bitterroot River basin above Painted Rocks Dam in Ravalli County. Non-native trout would be removed from the stream using the piscicide (fish toxin) rotenone.

Enclosed is a decision document in which I explain my rationale for approving the proposed action to proceed with the removal of non-native fish upstream of Overwhich Falls. Upon completion of the public involvement process and by inclusion of information in this Decision Notice, FWP accepts the draft environmental assessment (EA) as final. The decision document also includes public comment, along with FWP's responses, which helped FWP further explain the actions proposed for this project.

Please feel free to contact me at 406-542-5500 with any questions you may have. Thank you for your interest and participation.

Sincerely,

Randy Arnold
Regional Supervisor

AR/sr

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DECISION NOTICE for the DRAFT ENVIRONMENTAL ASSESSMENT:

Proposed Upper Overwhich Creek Fish Removal Project

July 21, 2017

Proposal

Montana Fish, Wildlife & Parks (FWP) proposes to remove from a 10-mile section of Overwhich Creek and its tributaries, above Overwhich Falls using rotenone, a piscicide. The goal of the project is to protect the pure Westslope Cutthroat populations above Painted Rocks Dam by removing the threat of further hybridization. Genetic data indicate that most of the cutthroat trout throughout the upper West Fork Bitterroot River drainage are pure Westslope Cutthroat Trout (*Oncorhynchus clarkii lewisi,)* whereas the fish upstream of Overwhich Falls are hybrid Westslope Cutthroat x Yellowstone Cutthroat (*O. clarkii bouvieri).* Overwhich Falls (located approximately 15.5 stream miles upstream of the mouth) is a natural barrier that blocks all upstream fish movement. The fishery in Overwhich Creek below the falls is typical for a mountain stream in this area. Westslope Cutthroat Trout are the predominant species, with fewer Bull Trout, Brook Trout, Mountain Whitefish, and Longnose and Largescale Suckers. Longnose Dace and Slimy Sculpins are also found in Overwhich Creek. In the project area, upstream of Overwhich Falls, the only species present are hybrids of Yellowstone and Westslope Cutthroat Trout. Genetic data indicate that genetically pure Westslope Cutthroat Trout predominate downstream of Overwhich Falls; however, samples collected in 2009 by a Forest Service Research crew indicated that the fish downstream of Overwhich Falls were mostly pure Westslope Cutthroat Trout but some individuals may also be introgressed with Yellowstone Cutthroat Trout.

Rocky Mountain Tailed Frogs reside in Overwhich Creek upstream of Overwhich Falls. To preserve the reach above Overwhich Falls for amphibians, fish would not be re-introduced into Overwhich Creek after the project, as historically, this reach was most likely fishless. If we are unable to remove all the fish upstream of Overwhich Falls, we may stock Westslope Cutthroat Trout from nearby streams to "swamp" the remaining Yellowstone Cutthroat Trout and hybrids that manage to survive upstream of the falls.

The goal of this project is to remove the Yellowstone Cutthroat Trout and their hybrids upstream of Overwhich Falls to preserve the pure Westslope Cutthroat Trout populations in the West Fork Bitterroot River drainage upstream of Painted Rocks Dam. To accomplish this, we propose to use a piscicide (fish pesticide) called CFT Legumine, and possibly rotenone powder (inw A). Both products are registered with the Environmental Protection Agency specifically for this use. We expect to conduct the piscicide application in 2017 and 2018. No fish would be stocked above Overwhich Falls after the removal is complete unless we cannot remove all the fish above the falls. In that case, we may stock Westslope Cutthroat Trout from nearby streams to "swamp" (skew the gene pool toward Westslope Cutthroat Trout alleles) the remaining Yellowstone Cutthroat Trout and their hybrids that manage to survive the piscicide treatment upstream of the falls.

Alternatives

Alternative 1 – No Action
The no action alternative would allow the status quo management to continue, which would maintain the present angling quality and species diversity in upper Overwhich Creek. This would not meet the objective of the project, which is to remove non-native Yellowstone Cutthroat Trout and hybrids from the drainage. Yellowstone Cutthroat and their hybrids would remain in Overwhich Creek and continue to be a potential source of introgression of native Westslope Cutthroat Trout.

Alternative 2 – Rotenone removal (*Proposed Action*)
The proposed action involves using a piscicide to remove Westslope/Yellowstone Cutthroat Trout hybrids from a 10-mile section of Overwhich Creek, upstream of the Overwhich Falls but not re-stocking fish. This would return the stream to its natural condition since fish were unlikely to have been in this reach.

Alternative 3 – Rotenone Removal and stocking of Westslope Cutthroat Trout.
This action would accomplish the removal of Yellowstone Cutthroat and their hybrids from this reach (as in Alternative 2), but also *would* re-introduce a fish that, while found in lower Overwhich Creek, is unlikely to have been upstream of Overwhich Falls.

Alternative 4 - Mechanical removal by electrofishing.
Electrofishing has been used to remove unwanted fish from streams with limited success. Electrofishing can be successful in some instances, but requires a lot of time, specific conditions for success, and several years. Numerous examples were provided in the Draft EA to demonstrate that it can be ineffective. For these reasons, this alternative was eliminated from further consideration.

Alternative 5 - Angling to reduce the number of unwanted fish.
FWP has the authority under Commission rule to modify angling regulations for removing unwanted fish from a lake or stream. However, angling rarely removes all fish, especially in remote stream areas such as upper Overwhich Creek with little use by anglers. Several reasons were summarized in the Draft EA for this method not working well for fish removal, and the amount of time required for anglers to depress or remove all fish would likely require many years to accomplish. Therefore, this method of fish removal was considered unreliable at achieving the objective of complete fish removal and was eliminated from further analysis.

Public Review Process

A Draft Environmental Assessment[1] (EA) for the proposed project was made available for public review and comment for a 30-day period from May 11 through June 9, 2017. Legal notices were published in the *Independent Record* (Helena, May 10), *Missoulian* (May 10), and *Ravalli Republic* (Hamilton, May 10) newspapers. FWP distributed 24 copies of the EA and 44 email-notifications of the EA's availability to adjacent landowners and interested individuals, groups

[1] Draft EA available (and accessed 12 July 2017) on FWP's website at:
http://fwp.mt.gov/news/publicNotices/environmentalAssessments/speciesRemovalAndRelocation/pn_0076.html

and agencies. The EA was available for public review on FWP's web site (http://fwp.mt.gov), under "Recent Public Notices" beginning May 11, and comments could be made directly on the EA's webpage

Public Comment

Public Comment
FWP received 18 comments (14 emails, 3 phone calls, 1 mail) regarding the proposed fish removal project on upper Overwhich Creek; all comments received are in the Appendix.

Two of the 18 comments were from sportsmen's groups (Montana Trout Unlimited, Westslope Chapter of Trout Unlimited) and one was from the Montana Chapter of the American Fisheries Society; all 3 groups supported the proposal. While not specifically offering support or opposition to the project, the Confederated Salish & Confederated Tribes commented, "We have no concerns regarding cultural resources with this project and recommend that it proceed."

Of the 14 comments submitted by individuals, 4 supported the proposal, 6 opposed the proposal, and 3 did not specific support or opposition.

Public Hearing
FWP held a public hearing in Hamilton on May 23 (Tuesday) at 7:00 p.m. at the Bitterroot National Forest Headquarters (1801 North 1st Street) to discuss the proposal, answer questions, and take public comment. Nine members of the public attended the hearing (including 6 from Hamilton, 1 each from Darby and Stevensville, and 1 unknown location); no one gave oral comments or testimony. Written comments were submitted at the meeting by 5 of the attendees, and all were in support of the proposal (Appendix).

Summary of Public Comment Received

- Of the total 23 public comments received (including from the public hearing), 12 supported FWP's proposed action (Alternative 2), 6 opposed the proposed action, and 5 did not specifically indicate support or opposition to Alternative 2.
- The 23 commenters represented various Montana locales: 7 from Hamilton, 4 from Missoula, 2 from Stevensville, and 1 each from Darby, Florence, Frenchtown, Helena, Livingston, "Montana," and Pablo (plus 3 who did not state a location).
- Regardless of support or opposition, 6 of the 23 commenters specifically recommended that any action include stocking upper Overwhich Creek above the falls after the fish removal, while at least 4 commenters were against restocking above the falls.
- Some commenters recommended alternative proposals and/or changes to the project design.

Response to Public Comment

The following comments and FWP responses encompass specific questions, suggestions or comments received during the public comment period. We thank those who provided positive

comments, but responses are not given below. (The "Commenter #" [sometimes with paragraph "para" indication] is the Commenter # in the Appendix.)

Commenter 1a (para 1). *I just read an article with regard to the eradication of the cutthroat trout above the falls on Overwhich Creek and I am disturbed that FWP wishes to eradicate this population of Westslope Cutthroats. I am not familiar with this particular stream but it would seem to me that the suggested action is a waste of an excellent resource.*

> FWP Response. The reach of Overwhich Creek upstream of Overwhich Falls is inhabited by Westslope Cutthroat Trout x Yellowstone Cutthroat Trout hybrids. The fish are predominantly Yellowstone Cutthroat Trout. We are removing these fish to eliminate the possibility of continuing hybridization below the falls. The goal of the project is to protect the pure strain Westslope Cutthroat Trout downstream of the falls.

Commenter 1a (para 2 & 4). *By poisoning the stream there is a real possibility of harming the Bull Trout population below and as I am sure you are aware the Bull Trout is a protected species, why take a chance on adversely affecting these fish. As I am sure you realize just attempting to move the fish could be dangerous and of course there is always the possibility that the neutralizing agent may not be fully effective because of being misapplied or another possibility is that the Bull Trout may decide that they want to move back into the area that they had been removed from.*

I believe that poisoning the stream would certainly effective and probably the easiest method to implement in the eyes of FWP but poisoning the stream could just as easily be disastrous

> FWP Response. We acknowledge the possibility of an unintentional event during treatment, but we have personnel with many years of experience conducting this project and have designed the project to reduce as many "wild card" factors as possible. We also are concerned about potential loss of some Bull Trout below the falls, and have completed consultation with the US Fish & Wildlife Service (see Draft EA: Upper Overwhich Creek Fish Removal Project, page 21, Comment 5f), and per the USFWS's recommendations, FWP agrees to try to minimize this impact by implementing the following procedures:
>
> 1. Before the project begins, we will electrofish downstream of the falls and move as many bull trout as we can capture to a safe location, either further down Overwhich Creek or into a tributary.
>
> 2. Move the neutralization station upstream about 10 minutes above Overwhich Falls to allow more time for neutralization of the rotenone before it passes over the falls.
>
> 3. Project personnel will be present below the falls to attempt to net disoriented bull trout and place them in fresh water so that they may recover.
>
> 4. Conduct a bioassay prior to full implementation of the piscicide treatment to determine the travel time of rotenone in the stream, then during treatment space our application points out based on those results so we do not over-apply the rotenone. We can also

use this information to determine how far downstream to move bull trout below the falls so they are not exposed to rotenone in the event of a neutralization failure.

Despite these efforts we expect some loss of bull trout a short distance downstream of the falls. There are over 10 miles of bull trout habitat downstream of the falls, so we do not expect the loss to be significant at the population level. We also expect the population a short distance below the falls to return to pre-project levels within a few years. We will collect a population estimate before the project and each year for 3 years after the project to monitor bull trout population.

Commenter 1a (para 5). *I would hope that FWP seeks to implement an efficient and effective and above all safe method of applying this program.*

FWP Response. Safety is our utmost concern. The two project leaders are licensed commercial applicators that have been involved with many rotenone projects. They have been involved with preparation of this project and will be on site during the project. One of them has hiked into and seen the project area. We will follow all safety protocols that are appropriate for this type of project.

Commenter 1a (para 3), 1b. *I would suggest that some kind of capture method be used to move the Westslope's. I would try electro-shocking in combination with a solar powered electric weir above the falls. This plan could be implemented by first setting up a solar panel similar to the ones used to on speed limit signs along the road, we have several on City streets in Helena. Then shock the creek immediately above the falls, this would drive any fish near the falls upstream, then I would place the weir, when energized the fish would stay upstream and then could be captured and removed to an appropriate location; they could even be used as brood stock or to stock other streams or lakes which may need their populations augmented.*

Just to give you some background on the electric weir idea. Some years ago the State of Michigan installed weirs in an attempt to prevent sea lampreys from migrating up river during the spring steelhead run. Although reluctant to admit the failure of the system the weirs stayed in place for several years. The problem with the concept was that not only did the weirs prevent the lampreys from moving upstream but also the steelhead would not move up the river to spawn. As a matter of fact I observed one of the weirs when it was in place and the steelhead were stacked up around a bend in the river about 100 yards below the weirs location. Needless to say the fishing wasn't good that year.

FWP Response. We did consider electrofishing to capture the fish upstream of the falls. However, experience has shown that electrofishing can be efficient in capturing a large proportion of the fish population but does not capture all of the fish. The smallest fish, recently hatched, are not very susceptible to electrofishing, and repeated electrofishing over the years for 10 miles would not be successful and would require a lot of manpower each year. Ten years of electrofishing did not remove brook trout from Soda Butte Creek in south central Montana, where at least two 4-person crews electrofished each year. To successfully remove the brook trout, biologists conducted a rotenone project in 2015 and 2016 that appears to have completely removed the brook trout from the project area.

Commenter 2. *I support Alternative 3. I disagree with the preferred alternative because FWP could easily replant above the falls with native Westslope trout. Doing so would create a protected stock of native fish likely to avoid genetic contamination that would be useful for restocking in the future. The rest of the West fork drainage is susceptible to bucket biology - planting of rainbows etc. into Painted Rocks Reservoir. Having a tiny source stream with natives, protected by a barrier falls, is important as it will likely be a long-term source of native trout well into the future. There are no real benefits to not restocking the area above the barrier falls. The species in that area are already accustomed to the presence of fish, and are the same type of species that coexist with Westslope trout. Eliminating trout from the area does not substantially improve biodiversity above the barrier falls*.

FWP Response. We are not restocking fish at this time upstream of Overwhich Falls for several reasons:

1. This reach of stream was, most likely, historically fishless. There are not many miles of low gradient stream that have not been stocked with fish. Fish, being a predator, affect other species of organisms and leaving 10 miles of fishless stream at a remote site makes sense ecologically.

2. Restocking Westslope Cutthroat Trout into 10 remote miles of stream is unnecessary. Some angling may occur in this reach, but there are many similar populations in other places. The reason for this project is that we have identified, very conservatively, about 200 miles of pure Westslope Cutthroat Trout stream upstream of Painted Rocks Reservoir. If this project were east of the Continental Divide, where very few reaches of pure Westslope Cutthroat Trout exist, it would make more sense to restock with pure Westslope Cutthroat Trout.

3. By not stocking above the falls, we have options for the future. If we were to stock fish above the falls, Westslope Cutthroat Trout may not be the species that would be stocked. Due to warming water temperatures, Bull Trout or Slimy Sculpins may be more likely to be stocked. Westslope Cutthroat may be stocked along with them, but we cannot be sure.

Commenter 3 (para 2). *I'd like to throw this idea into the hopper: Would FWP consider lifting the limit on cutthroat trout [for that section of the stream]? Because I can't afford to drive all the way down there to just catch a 3-cutthroat limit, but if I can go down there and catch 25 or 30 and bring them home and put them in the canner, I'd be glad to help you lower that population a bit.*

FWP Response. This is not a bad idea! However, we did not pursue a regulation change since the site is very remote and we did not expect many anglers to hike into the site and then carry the fish out. Additionally, a significant portion of the population is composed of fish less than 4 inches in length, and the few large fish are only about 8 inches long.

Commenter 4. *Thank you for your notification on the removal of non native fish for the upper Overwhich proposed project. Do you know if Federal Fisheries is going to require mitigation for the impact it will have on Bull Trout & critical Bull Trout habitat? If not, why not? If so, what are the mitigation requirements? I will be out of the state during the hearing. Please pass my questions on. Again, thank you and have a great rest of your week.*

> FWP Response. Yes, the U.S. Fish and Wildlife Service is requiring mitigation for the potential loss of bull trout downstream of Overwhich Falls. See the FWP response to Commenter 1a (para 2 & 4), who has similar concerns.

Commenter 7. *I support planting of WS Cutthroat above the falls*

> FWP Response. Under certain circumstances we may stock Westslope Cutthroat Trout above the falls. If we are unable to remove the fish above the falls after repeated treatments, we will restock to "swamp" out the Yellowstone Cutthroat Trout genes. However, we would rather not do that. Please refer to the FWP Response to Commenter 2, who has similar concerns.

Commenter 8. *I hope that they do not kill fish simply because they are non native. Brown and rainbow trout are highly prized game fish- leave them there. People want them. And there is no affirmation to plant westslope cutthroats after eradication.*

> FWP Response. Some species of non-native fish are very valuable sport fishes in Montana. However, at this remote location, where little sport fishing occurs, it is prudent to balance other values such as maintaining wild pure-strain Westslope Cutthroat Trout. There is no discussion of removing non-native trout from the heavily fished Bitterroot River or tributaries. See the FWP Response to Commenter 2, who has similar concerns about not restocking above the falls.

Commenter 9 (para 5). *Do not consider stocking cutthroats in upper Overwhich Creek if treatment does not appear to be successful after two years. We believe it can be successful (as evidenced by projects elsewhere), and the concept of genetically "swamping" the reach with pure-strain fish would defeat the objective of restoring a historically fish-less reach of stream for other ecological benefits, such as to aid in recovery of native amphibians. We recommend treating until surveys indicate all fish have been removed.*

> FWP Response. We expect to do treatments in 2017 and 2018. If we have not removed all the fish above the falls, we will consider, at that time, based on our experiences, whether to do another treatment or re-stock Westslope Cutthroat Trout.

Commenter 9 (para 6). *Consider treating in early-to-mid fall instead of August. That would better ensure vulnerable larval forms of amphibians would not be present in the stream. This is a standard consideration for similar piscicide projects elsewhere*

> FWP Response. Due to other uses in the area, we are scheduling the project to begin about August 11. A bicycle race and hunting season occur shortly after we will finish and we

want to avoid any safety issues. We appreciate your concerns for larval amphibians. We plan to capture some of them and keep them in buckets temporarily until the water is safe for them. We expect some loss, particularly of tailed frog larvae, but we also expect the population to recover quickly.

Commenter 9 (para 7). *Consider placing a block net at the decontamination station, 10 minutes upstream of the falls, as well as keeping a block net just above the falls. Then intensively electrofish this small reach between the nets right after treatment. It seems like this could reduce the potential for upstream escapement for fish that remained in this small reach below the decontamination station.*

FWP Response. We will have at least one block net immediately above the neutralization station. We will set "sentinel fish" in a flow-through container near the top of the waterfall to gauge the effectiveness of the neutralization to that point. We are hoping that we can simultaneously achieve significant neutralization prior to the treated water going over the waterfall, but are also hoping that fish in that area will become disoriented enough to lose equilibrium and be caught in a block net in the stream near the top of the waterfall. If the sentinel fish are still vigorous after treatment we plan to intensely electrofish the reach between the neutralization station and the falls. If the sentinel fish are disoriented or dead after the treatment, we will not electrofish between the neutralization station and the waterfall.

Commenter 10 (para 1, 2). *Let's leave them alone. I don't see what the problem is with leaving them as they are. There's not enough fish up there.*

FWP Response. The project's goal is to protect pure-strain Westslope Cutthroat Trout below Overwhich Falls. The reach of Overwhich Creek upstream of Overwhich Falls is inhabited by Westslope Cutthroat x Yellowstone Cutthroat hybrids. We are removing these fish to eliminate the possibility of hybridization continuing below the falls.

Commenter 10 (para 2). *Have you ever been there? Has anyone ever been up there? Nobody's ever going to get up there either.*

FWP Response. Crews from Montana Fish, Wildlife & Parks and the Bitterroot National Forest have been at the project site many times over the years. The data that were cited in the EA were collected by these crews.

Commenter 10 (para 3, 4, 5). *I don't think they're a non-native fish. Your cutthroat trout—western or Yellowstone—are all of the same deal, basically. It's a waste of time what you guys are doing*

FWP Response. Westslope Cutthroat Trout and Yellowstone Cutthroat Trout are separate subspecies and have significant genetic differences, and in fact are genetically more distinct than, for instance, rainbow trout and Westslope Cutthroat trout. Despite that, they will hybridize with each other.

Commenter 11. *NO, NO, NO. It is my opinion and that of many of my fellow bitterroot residents that we do not want ANY fish or streams poisoned. Use our tax dollars fixing your zebra mussel mistakes/problem! We like the streams down here just fine. Your poison project is not a priority; stopping zebra mussels is! Use our money for something OTHER THAN poisoning our fish!!!*

> FWP Response. FWP has invested a significant effort into trying to limit the spread of invasive species such as the Zebra Mussel. This project is not related to that effort. Please see the FWP Response to Commenter 10 (para 3, 4, 5) who has similar concerns.

Commenter 12. *While I am definitely in favor of removing non-native species from above the falls, I worry that the "law of unintended consequences" will kick in once again! You must NOT imperil the pure strain of westslope cutthroats below the falls by what you do ABOVE the falls. After the removal from above, it is important that you introduce trout from below the falls as the falls will prevent rainbows from destroying the genetic purity of the Overwhich strain of cutthroats in the future. I hope these comments, borne of long experience dealing with fisheries issues, will be studiously followed*.

> FWP Response. If we do introduce Westslope Cutthroat Trout above the falls sometime in the future, we would not use the fish below the falls as a source because some genetic data show there is a limited amount of hybridization below the falls. Some Westslope Cutthroat Trout below the falls will probably be killed by the rotenone, even though a neutralizing agent will be put in above the falls. We do not expect the loss of some Westslope Cutthroat Trout below the falls to be significant at the population level, and the population will return to pre-project levels within a few years. See FWP Response to Commenter 1a (para 2 & 4) who had similar concerns about Bull Trout below the falls.

Commenter 13 (para 2). *I'm very concerned with water quality, relative to using a chemical poison in Overwhich Creek above the falls that might end up any further down the drainage*.

> FWP Response. The project area is about 12 stream miles upstream of any private residences. Dilution by tributaries will occur. Also, rotenone is very susceptible to photolysis (decomposition of molecules by the action of light) and to binding with sediments. Considering these factors and the fact that we are detoxifying, we expect that 12 miles downstream there will be no rotenone or KMnO4 in the water. Based on what we do know about both chemicals, there is no reason to think anyone that far downstream will be exposed to any increased risk. For upper Overwhich Creek, all of the toxicant should be inactivated within ½-hour downstream of the neutralization station.

Commenter 13 (para 3, 4). *The project has good intentions, but if you were to also accidentally kill off even 1/5th of the fish below the falls—that's too much risk involved for the worth of killing what's above the falls. There's quite a pool below the falls, and I'm concerned for the fish below the falls. (Believe that when it freezes, the fish go from the falls downstream to Painted Rocks Lake; maybe treat during the winter?)*

Please give this proposal a lot more thought; any possible damage to the fisheries below the falls would take years to remedy.

FWP Response. We are also concerned about the fish below the falls. Please see FWP's response to Commenter 1a (para 2 & 4), who has similar concerns about bull trout. The fish immediately below the falls are most at risk. Our expectation is that there will be some mortality below the falls for a short distance despite our mitigation efforts. However, we do not expect the mortality to be significant at the population level and the fish population should be back to pre-project levels in a few years. It would be impractical to do the project in the winter due to ice and snow conditions. Also, we would be unable to do the mitigation measures or be able to visually assess how the toxicant is working. While some fish probably move downstream in the winter seeking larger pools, many fish remain in the stream. There would not be any fish remaining above the falls if they went very far downstream each winter.

Commenter 15. *Upon reading this Draft EA I am not in objection to this project. I have been outspoken against the Soda Butte Creek project in 2015 and 2016. My biggest concern is that you don't plan to re-stock the project area with any Westslope cutthroat trout. Why not put some WCT in from neighboring streams or from waters downstream?*

FWP Response. We do not plan to stock fish above the falls after the project for several reasons. See FWP's Response to Commenter 2, who has similar concerns. If we ever do decide to reintroduce Westslope Cutthroat Trout above the falls, we would not use fish from below the falls because some hybridization has occurred below the falls.

Commenter 16 (para 5). *I think Clancy is over concerned about there being a problem there. If there hasn't been a change to the fish in West Fork in 60 years I know of, why would there be a problem now.*

FWP Response. We do not know if there has been a change in hybridization below the falls. Data show that hybrids are present below the falls, but we do not know if the trend is increasing, decreasing or stable. If we do not take this opportunity and hybridization increases below the falls, we would be unable to stop that trend, because a rotenone project below the falls would be much more complicated.

Commenter 16 (para 6). *I think the money spent poisoning those two streams could be better spent to benefit the fish resource and the residents of Montana.*

FWP Response. We appreciate your opinion, but many other activities are still occurring that benefit the fish resource. This project will be finished in 2018 barring unforeseeable events. Doing this project now could avoid a much more expensive and complicated project should the hybridization spread below the falls.

Commenter 16 (para 7). *Also talking to Clancy he tells me there is no plan to replant those streams after they poisoned them. I feel it would be a real travesty and unthinkable to me.*

FWP Response. Please see the FWP Response to Commenter 2, who has similar concerns.

Decision and Recommendation

Based on the analysis in the Draft Environmental Assessment (EA), along with applicable laws, regulations and policies, it is my decision to approve and proceed with the Upper Overwhich Fish Removal Project. FWP expects work to begin in August 2017.

I have determined that the decision to proceed with the proposed action will not have a significant negative effect on the natural or human environment. Therefore, an Environmental Impact Statement will not be prepared. By notification of this Decision Notice (DN) along with the additional information described herein (FWP Responses to Commenters), the draft EA along with the DN is hereby made the final EA. The draft EA with this Decision Notice may be viewed at or obtained from Montana Fish, Wildlife & Parks at the address on page 1. The EA and DN is available for review on FWP's web site http://fwp.mt.gov/ under "Recent Public Notices" (enter "Overwhich" in "Search Public Notices").

Randy Arnold
Region 2 Supervisor
Montana Fish, Wildlife & Parks

7/21/2017
Date

APPENDIX

All comments on the proposed Overwhich Creek Fish Removal proposal (and its Draft EA), received by FWP during the comment period of May 11 through June 9, 2017. (Comments received via E = email, M = mail, Ph = phone, PM = public meeting.)

Com-men-ter #	Via	Para-graph	Comment
1a	E	1	I just read an article with regard to the eradication of the cutthroat trout above the falls on Overwhich Creek and I am disturbed that FWP wishes to eradicate this population of Westslope Cutthroats. I am not familiar with this particular stream but it would seem to me that the suggested action is a waste of an excellent resource.
		2	By poisoning the stream there is a real possibility of harming the Bull Trout population below and as I am sure you are aware the Bull Trout is a protected species, why take a chance on adversely affecting these fish. As I am sure you realize just attempting to move the fish could be dangerous and of course there is always the possibility that the neutralizing agent may not be fully effective because of being misapplied or another possibility is that the Bull Trout may decide that they want to move back into the area that they had been removed from.
		3	I would suggest that some kind of capture method be used to move the Westslope's. I would try electro-shocking in combination with a solar powered electric weir above the falls. This plan could be implemented by first setting up a solar panel similar to the ones used to on speed limit signs along the road, we have several on City streets in Helena. Then shock the creek immediately above the falls, this would drive any fish near the falls upstream, then I would place the weir, when energized the fish would stay upstream and then could be captured and removed to an appropriate location; they could even be used as brood stock or to stock other streams or lakes which may need their populations augmented.
		4	I believe that poisoning the stream would certainly effective and probably the easiest method to implement in the eyes of FWP but poisoning the stream could just as easily be disastrous.
		5	I would hope that FWP seeks to implement an efficient and effective and above all safe method of applying this program.
		6	If you would like any additional information or clarification with regard to my suggestion I can be reached at 406-495-9300.
1b			Just to give you some background on the electric weir idea. Some years ago the State of Michigan installed weirs in an attempt to prevent sea lampreys from migrating up river during the spring steelhead run. Although reluctant to admit the failure of the system the weirs stayed in place for several years. The problem with the concept was that not only did the weirs prevent the lampreys from moving upstream but also the steelhead would not move up the river to spawn. As a matter of fact I observed one of the weirs when it was in place and the steelhead were stacked up around a bend in the river about 100 yards below the weirs location. Needless to say the fishing wasn't good that year.
2	E		I support Alternative 3. I disagree with the preferred alternative because FWP could easily replant above the falls with native Westslope trout. Doing so would create a protected stock of native fish likely to avoid genetic contamination that would be useful for restocking in the future. The rest of the West fork drainage is susceptible to bucket biology - planting of rainbows etc. into Painted Rocks Reservoir. Having a tiny source stream with natives, protected by a barrier falls, is important as it will likley be a long-term source of native trout well into the future. There are no real benefits to not restocking the area above the barrier falls. The species in that area are already accustomed to the presence of fish, and are the same type of species that coexist with Westslope trout. Eliminating trout from the area does not substantially improve biodiversity above the barrier falls.
3	Ph	1	I was reading the article on the propose fish removal above Overwhich Falls.

		2	I'd like to throw this idea into the hopper: Would FWP consider lifting the limit on cutthroat trout [for that section of the stream]? Because I can't afford to drive all the way down there to just catch a 3-cutthroat limit, but if I can go down there and catch 25 or 30 and bring them home and put them in the canner, I'd be glad to help you lower that population a bit.
4	E		Thank you for your notification on the removal of non native fish for the upper Overwhich proposed project. Do you know if Federal Fisheries is going to require mitigation for the impact it will have on Bull Trout & critical Bull Trout habitat? If not, why not? If so, what are the mitigation requirements? I will be out of the state during the hearing. Please pass my questions on. Again, thank you and have a great rest of your week.
5	E		I think that it is a great project, go for it.
6	E		The WestSlope Chapter of Trout Unlimited supports the Overwhich Creek project as outlined in the Draft EA. We believe this is a crucial and important project to protect downstream hybridization of native west slope cutthroat.
7	E		I support planting of WS Cutthroat above the falls
8	E		I hope that they do not kill fish simply because they are non native. Brown and rainbow trout are highly prized game fish- leave them there. People want them. And there is no affirmation to plant westslope cutthroats after eradication.
9	E	1	Montana Trout Unlimited, along with its Bitterroot and WestSlope Chapters, supports Alternative 2 for the proposed project to remove westslope/Yellowstone cutthroat hybrids from upper four miles of upper Overwhich Creek and two of its tributaries. We strongly support project objectives to eliminate hybrid cutthroats from this important tributary of the West Fork of the Bitterroot River and to create refugia for important amphibian species, such as tailed frogs as well as potentially western toads and spotted frogs.
		2	Eliminating the risk of downstream spread of these hybrid fish will benefit the genetically unaltered local populations of westslope cutthroats above Painted Rock Reservoir. Further, eliminating this reach of salmonids will have negligible effect on sportfishing opportunities. It can be inferred from FWP's MFISH database that very little angling occurs on Overwhich Creek above the falls. It is reasonable to conclude that the majority of the light-use on the creek occurs in the larger, more accessible lower 15.5 miles of the stream.
		3	We find FWP's analysis of the potential effects of rotenone to be rigorous, and the methods for application follow generally accepted, conservative practices. We are also pleased to learn that some of the individuals involved in this project have significant experience in achieving successful native fish restoration projects elsewhere deploying piscicides.
		4	We do have recommendations we ask the department to consider:
		5	• Do not consider stocking cutthroats in upper Overwhich Creek if treatment does not appear to be successful after two years. We believe it can be successful (as evidenced by projects elsewhere), and the concept of genetically "swamping" the reach with pure-strain fish would defeat the objective of restoring a historically fish-less reach of stream for other ecological benefits, such as to aid in recovery of native amphibians. We recommend treating until surveys indicate all fish have been removed.
		6	•Consider treating in early-to-mid fall instead of August. That would better ensure vulnerable larval forms of amphibians would not be present in the stream. This is a standard consideration for similar piscicide projects elsewhere.
		7	•Consider placing a block net at the decontamination station, 10 minutes upstream of the falls, as well as keeping a block net just above the falls. Then intensively electrofish this small reach between the nets right after treatment. It seems like this could reduce the potential for upstream escapement for fish that remained in this small reach below the decontamination station.
		8	Trout Unlimited sees great benefit in this project for both native fish conservation and restoration of the original aquatic ecosystem complex. Thanks for the opportunity to comment.
10	Ph	1	Let's leave them alone.

		2	I don't see what the problem is with leaving them as they are. There's not enough fish up there. Have you ever been there? Has anyone ever been up there? Nobody's ever going to get up there either.
		3	I don't think they're a non-native fish.
		4	Your cutthroat trout—western or Yellowstone—are all of the same deal, basically.
		5	It's a waste of time what you guys are doing
11	E		NO,NO,NO. It is my opinion and that of many of my fellow bitterroot residents that we do not want ANY fish or streams poisoned. Use our tax dollars fixing your zebra mussel mistakes/problem! We like the streams down here just fine. Your poison project is not a priority;stopping zebra mussels is! Use our money for something OTHER THAN poisoning our fish!!!
12	E		While I am definitely in favor of removing non-native species from above the falls, I worry that the "law of unintended consequences" will kick in once again! You must NOT imperil the pure strain of westscope cutthroats below the falls by what you do ABOVE the falls. After the removal from above, it is important that you introduce trout from below the falls as the falls will prevent rainbows from destroying the genetic purity of the Overwhich strain of cutthroats in the future. I hope these comments, borne of long experience dealing with fisheries issues, will be studiously followed.
13	Ph	1	Relative to this particular project, there aren't too many people left with connections to that area, like my parents and grandparents.
		2	I'm very concerned with water quality, relative to using a chemical poison in Overwhich Creek above the falls that might end up any further down the drainage.
		3	The project has good intentions, but if you were to also accidentally kill off even 1/5th of the fish below the falls—that's too much risk involved for the worth of killing what's above the falls. There's quite a pool below the falls, and I'm concerned for the fish below the falls. (Believe that when it freezes, the fish go from the falls downstream to Painted Rocks Lake; maybe treat during the winter?)
		4	Please give this proposal a lot more thought; any possible damage to the fisheries below the falls would take years to remedy.
		5	Some background: My grandfather & grandmother came to the West Fork Lake area in the 1940s. (Painted Rock Lake/ Reservoir used to be called West Fork Lake.) My folks used to ride horses to Overwhich Falls; there were lots of fish at the falls. My family would camp out above the falls (Pass Lake?); we'd come in from the Lost Trail side of the divide.
		6	In the summer, as you get further up Overwhich Creek towards the falls, the fish get bigger and bigger. July 4th we used to catch big 1-1½ pound fish.
		7	Nathaniel Wilkerson was the 1st forest ranger (in US?), and my family was nearby neighbors to him. The 1st ranger figured out that fishing was only successful in the morning and evening; used to be able to drive up to the falls. Wilkerson encouraged my dad to work for the Forest Service. My dad was involved in hauling fish up to lakes like Shelf Lake; years later folks were taking 2-pounders out of that lake.
14	E	1	In several articles your e-mail was given as a means to respond to the yellowstone cutthroat fish removal proposal for Overwhich Creek. The further same proposal advocates leaving the portion of the drainage above the Falls fish-less, i.e. Not restocking. I am familiar with and have hiked in this drainage.
		2	I've spent my lifetime in designated Wilderness and many other wild places. I've been fortunate to spend this time with many scientists as well as avid fisherman of every stripe. Any Western fisherman who knows much about fish and ecosystems recognizes the many special qualities of adaption displayed by west slope cutthroat in given drainage. They also know how precarious and notable bull trout are. I strongly support removing the Yellowstone cutthroat.

		3	Because I have a MS in Environmental Studies and have read extensively and personally observed various ecosystems I realize the role predators (in this case fish) play in an ecosystem. People, viewed by some as the ultimate predator, have "successfully" modified habitat and ecosystem conditions by our actions. Some places have remained without fish but many, that would have naturally been fish-less, have had fish introduced. Fish introduction has complex, far-reaching results. Many invertebrate populations of increasingly rare amphibians and reptiles, as well as innumerable insects, and some small mammals, are impacted. Considering the whole complex web probably some birds and various species connected to the water for their food source, are altered by inserting fish into a system w/o fish.
		4	So I applaud, to the degree possible, getting the system above the waterfall back to what it was before humans started thinking about their dinner and sport in that part of the drainage.
		5	Some wild places need to be wild and natural. So much has moved the other way.
		6	Thank you for the forward thinking proposal. Please relay my comments to the official file or tell me how to do so.
15	E		Upon reading this Draft EA I am not in objection to this project. I have been outspoken against the Soda Butte Creek project in 2015 and 2016. My biggest concern is that you don't plan to re-stock the project area with any Westslope cutthroat trout. Why not put some WCT in from neighboring streams or from waters downstream?
16	M	1	I am writing regarding the proposal by Chris Clancy to poison the fish in two creeks above Overwhich Falls in the upper West Fork of the Bitterroot River.
		2	His claims he's worried about the cutthroat trout in the West Fork crossing with Yellowstone cutthroat from these two streams.
		3	Those two streams go over Overwhich Falls, which is 200-300 feet falls and drop into a boulder field at the bottom of the falls. The survival rate of fish going over the falls would be nearly nil.
		4	The first time I visited the falls, I was 14 years old and I am now 73 years old, that's 60 years ago. Those streams have had Yellowstone cutthroat for those 60 years. And the cutthroat in the West Fork haven't changed in those 60 years.
		5	I think Clancy is over concerned about there being a problem there. If there hasn't been a change to the fish in West Fork in 60 years I know of, why would there be a problem now.
		6	I think the money spent poisoning those two streams could be better spent to benefit the fish resource and the residents of Montana.
		7	Also talking to Clancy he tells me there is no plan to replant those streams after they poisoned them. I feel it would be a real travesty and unthinkable to me.
		8	Two beautiful streams and leave them without fish. They have had fish the 60 years I know of, and very well have had fish closer to 90 years.
		9	I hope you look into this matter. Thanks for your consideration.
17	E	1	The MTAFS [MT Chapter of American Fisheries Society] is an organization of professional fisheries scientists and students from multiple state and federal agencies, universities, and the private sector across Montana. One of our objectives is the conservation, development and wise use of Montana's fisheries. As a result, our Chapter has been an advocate for collection of fisheries resource information, conservation and restoration of native fishes, protection and conservation of high quality aquatic habitats, and informed management of land, water and fish resources in the state of Montana. As such, we are keenly interested in the conservation and protection of Westslope Cutthroat Trout (WCT), a species of concern in Montana.

		2	We support the continued effort of Montana Fish, Wildlife and Parks (FWP) to protect genetically pure-strains of WCT across watersheds in their native range. Hybridization with introduced species, including Rainbow Trout and in the case of Overwhich Creek, Yellowstone Cutthroat Trout (stocked in high mountain lakes and creeks) is one of the leading causes of decline of the WCT. Complete removal of species that are known to cause this genetic introgression is the only option to assure that pure-strain WCT persist. This often involves the use of rotenone to guarantee all non-native fish are removed. While poisoning one fish for the benefit of another fish can elicit negative initial reactions from the public, this is often the most effective solution to reverse past stocking management decisions. We support the decision of FWP biologists to not replace the fish above Overwhich Falls with WCT. This section of Overwhich Creek above the falls (a historical barrier) was a fishless ecosystem for millennia until fish stocking management actions in the 1950s or 1960s introduced non-native cutthroat trout above the barrier. Returning this section of stream to its natural, fishless state is a benefit to the amphibians and aquatic macroinvertebrates that have persisted in this section for thousands of years without the presence of a salmonid predator. In addition, the many miles of stream below the falls would remain populated with WCT and would continue to provide angling opportunities.
		3	Therefore, based on the available science and technical expertise involved, MTAFS supports FWP's Upper Overwhich Creek Non-native and Hybridized Fish Removal Project.
18	E		I just looked over my notes from our meeting and refreshed myself on the project. We have no concerns regarding cultural resources with this project and recommend that it proceed.
PM 1	PM		I fully support the project and leaving the watershed above the falls fishless, unless swamping with WCT [westslope cutthroat trout] is necessary.
PM 2	PM		Strike while the iron is hot! Prevention of increased hybridization below the falls is key. There are not many hybrids based on current data, but a high water event above the falls could certainly change the numbers below. Rotenone as a management tool has been very effective. The expertise and care for the resource is impressive. I think fishless mountain lakes and streams, especially historically can be a real gem. I grew up in Montana and not every water needs fish. Think of the rebound of the amphibian population in a fishless area in a few years? I fully support this project and look forward to the data in a couple of years. Good luck.
PM 3	PM		I heard arguments for and against this project and similar projects for many years, which involved agencies in numerous states. The success rate and the needs of this particular drainage combine to make me believe the proposal has tremendous merit.
PM 4	PM		I support the effort to remove Yellowstone cutthroat above Overwhich Falls using rotenone. It is critically important to preserve the genetic purity of the westslope cutthroat population above Painted Rocks dam.
PM 5	PM		I have reviewed the EA and listened to presentation on this project. I have concluded this is a meritorious project. The probable benefits will help vouchsafe the unique WSCT [westslope cutthroat trout] ecosystem above Painted Rocks Lake.